IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

OP.No. 1956 of 2003(G)

PETITIONER:

MOIDEEN, S/O. SAIDALIKUTTY, PEEDIKAKKAL HOUSE, P.O. AYILAKKAD, EDAPAL, MALAPPURAM DISTRICT.

BY ADV. SRI.P.CHANDRASEKHAR.

RESPONDENTS:
----

1. **THE TAHSILDAR, PONANI.**
2. **THE SALES TAX OFFICER, PONANI**
3. **SMT.RUKHIYA ABDUL, W/O. K.V.ABDU, KADAVIL VALAPPIL HOUSE, AYILAKKAD P.O., EDAPAL- 679 576, MALAPPURAM DISTRICT.**

R1 & R2 BY GOVERNMENT PLEADER SRI. P.K. RAVIKRISHNAN,
R3. ADV. SRI.K.B.MUHAMED KUTTY.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 3556/2003 & I.A. NO. 17737/2006 IN O.P. NO. 1956/2003-G.

DISMISSED

10/12/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REGISTERED SALE DEED NO. 3742/2000 DTD. 15/11/2000.

EXT.P.2: COPY OF THE ENCUMBRANCE CERTIFICATE NO. 1707/2002 DTD. 05/08/2002.

EXT.P.3: COPY OF THE REVENUE RECOVERY NOTICE DTD. 31/07/2002 OF THE R.1.

EXT.P.4: COPY OF THE REVENUE RECOVERY NOTICE NO. FEF. B3.1870/02 DTD. 17/08/2002 OF THE R.1.

EXT.P.5: COPY OF THE JUDGMENT DTD. 09/09/2002 IN O.P. 24437/2002 ISSUED BY THIS HONOURABLE COURT.

EXT.P.5.A: COPY OF THE NOTICE NO. B3-1870/02 DTD. 26/09/2002 OF THE R.1.

EXT.P.6: COPY OF THE REVENUE RECOVERY NOTICE NO. B3.1870/02 DTD. 19/09/2002 OF THE R.1.

EXT.P.7: COPY OF THE NOTICE NO. REF. B3.1870/02 DTD. 07/01/2003 OF THE R.1.

EXT.P.8: COPY OF THE JUDGMENT DTD. 27/11/2003 IN W.P.(C). NO. 37245/2003 OF THIS HONOURABLE COURT.

EXT.P.9: COPY OF THE NOTICE NO. B3-1870/02 DTD. 27/11/2006 OF THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

Thottathil B. Radhakrishnan, J.

==========

O.P.No.1956 of 2003

==========

Dated this the 10th day of December, 2007.

JUDGMENT

Petitioner purchased an item of property from the third respondent as per Ext.P1 dated 15-11-2000. He has produced Ext.P2 dated 5-8-2002 to show that there was no encumbrance reflected on the revenue documents. The third respondent is on record. She does not dispute the averments in the counter affidavit sworn to by the first respondent on 4-6-2004 stating, among other things, that the property was attached and that the third respondent is a defaulter to the tune of Rs.71,00,069/- with interest due thereon. Under such circumstances, the petitioner cannot find his way to challenge the proceedings against the property covered by Ext.P1. Writ petition fails. It is accordingly dismissed.

Thottathil B.Radhakrishnan,
Judge.

sl.

Thottathil B. Radhakrishnan, J.

==========

O.P.No.1956 of 2003

==========

JUDGMENT

Dated:10-12-2007